

42. (Original) The method of claim 13, further defined as comprising modifying the Bik polypeptide at amino acid position 33, amino acid position 35, or both, wherein the modification results in an inability of the amino acid to be phosphorylated.

43. - 75. (Cancel)

### **REMARKS**

Claims 1-75 were subject to restriction and species election. Applicants elect Group IV, directed to claims 13-26, 41, and 42, yet acknowledge the Examiner's statement in the Action on pages 2-3 that claim 12 is a linking claim for Groups IV-VI. Therefore, claims 27-40 are withdrawn. Applicants reserve the right to have claims 27-40 examined upon allowance of linking claim 12.

Claims 1-11 and 43-75 are canceled as being drawn to non-elected groups. Applicants reserve the right to at least pursue amended subject matter, including canceled claims, in subsequent prosecution. No new matter is entered herein.

Concerning the species election for Group IV, Applicants elect a Bik polypeptide comprising an amino acid substitution at both Thr<sup>33</sup> and Ser<sup>35</sup>. Per the Examiner's request, Applicants also elect cancer as the proliferative disorder species and further elect Akt overexpressing cancer as the distinct cancer species.

If any additional issues remain, please call the undersigned for quick resolution. In view of the above, Applicant believes the pending application is in condition for allowance.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 06-2375, under Order No. AH-UTSC:791US from which the undersigned is authorized to draw.

Dated: *March 3, 2006*

Respectfully submitted,

By *Melissa L. Sistrunk*

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